IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH

S.B. CRIMINAL MISC. PETITION NO.1364/07

Jindal Glass Agency **Versus** Smt. Gora Devi

DATE OF ORDER :: 19/11/2007

HON'BLE MR. JUSTICE AJAY RASTOGI

Mr. Prahlad Sharma, for petitioner

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Instant petition has been filed assailing order dated 29th August, 2006 whereby learned Magistrate took cognizance against accused-petitioner for offence u/s.138 of Negotiable Instruments Act.

Basic bone of contention of counsel for petitioner is that complaint is not within limitation and very cognizance taken against him deserves to be set aside.

In opinion of this court, petitioner is mistaken. Section 138(b) & (c) if read together certainly complaint filed before competent court is within limitation and no error has been committed by learned court below in taking cognizance against accused-petitioner.

Consequently, the misc. petition fails and is hereby dismissed.

[AJAY RASTOGI],J.